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Filing date: **07/01/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058839
Party	Plaintiff Le Reve Ventures, LLC
Correspondence Address	SHEILA FOX MORRISON DAVIS WRIGHT TREMAINE LLP 1300 SW 5TH AVENUE, SUITE 2400 PORTLAND, OR 97201 UNITED STATES TGrice@TimothyGriceLaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Sheila Fox Morrison
Filer's e-mail	sheilamorrison@dwt.com,almurray@dwt.com
Signature	/Sheila F. Morrison/
Date	07/01/2014
Attachments	Motion to Amend.pdf(152596 bytes) Amended Petition.pdf(5291923 bytes)

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7 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
8 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

9 LE REVE VENTURES, LLC, a Texas limited
10 liability company

11 Petitioner,

12 v.

13 WINE DIVE, LLC, a Florida limited liability
14 company

15 Registrant.

Cancellation No. 92058839

Registration No. 4,283,391

PETITIONER'S MOTION TO AMEND
PETITION FOR CANCELLATION

16 TO THE COMMISSIONER FOR TRADEMARKS
17 TRADEMARK TRIAL AND APPEAL BOARD:

18 Petitioner, Le Reve Ventures, LLC, by its attorney, hereby moves pursuant to Trademark
19 Rule 2.107, to amend its Petition for Cancellation to add an additional ground for cancellation of
20 Registration No. 4,283,391. Specifically, Petitioner wishes to add fraud as a basis for
21 cancellation.

22 In support of this motion, Petitioner asserts that a careful review of U.S. Patent and
23 Trademark Office records and the specimens filed in connection with the Statement of Use in
24 support of Registration No. 4,283,391 and comparison to public photos of the Registrant's
25 restaurant's signage and menus available through the internet reveal that the specimens filed in
26 support of Registration No. 4,283,391 are false. The specimens are images that were
27

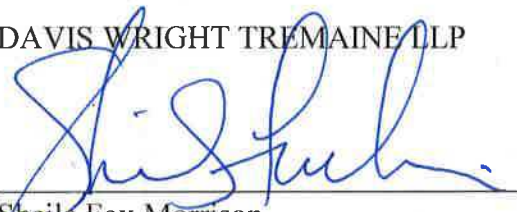
1 manipulated or made to mislead the viewer to believe that the SNOOTY'S WINE DIVE mark
2 was in use, when it was not, and therefore, the allegations of use set forth in its Statement of Use
3 were fraudulent and made with the intent to deceive the Patent and Trademark Office into
4 granting the registration.

5 In view of the foregoing, and because this motion is filed early in the case, it is submitted
6 that the motion to amend is made without prejudice to the Registrant and that the Amended
7 Petition for Cancellation submitted herewith should be accepted as submitted for the original
8 Petition for Cancellation.

9
10 DATED this 1st day of July, 2014.

11 Respectfully submitted,

12 DAVIS WRIGHT TREMAINE LLP

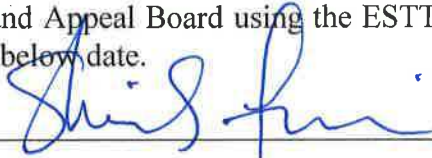
13 

14
15 Sheila Fox Morrison
16 1300 SW Fifth Avenue, Suite 2400
17 Portland, Oregon 97201
18 (503) 241-2300
19 sheilafoxmorrison@dwt.com
20 Of Attorneys for Petitioner
21
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CERTIFICATE OF FILING

I hereby certify that this PETITIONER'S MOTION TO AMEND PETITION FOR CANCELLATION of U.S. Trademark Registration No. 4,283,391, for the mark SNOOTY'S WINE DIVE is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: July 1, 2014



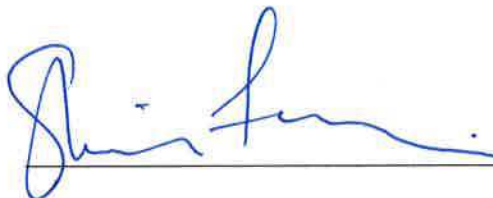
CERTIFICATE OF SERVICE

I hereby certify that this PETITIONER'S MOTION TO AMEND PETITION FOR CANCELLATION of U.S. Trademark Registration No. 4,283,391, for the mark SNOOTY'S WINE DIVE is being duly served upon the Applicant's counsel by emailing copies to:

Carl J. Spagnuolo
McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, Florida 33410

spagnuolo@mchaleslavin.com

Date: July 1, 2014



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7 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
8 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

9 LE REVE VENTURES, LLC, a Texas limited
10 liability company

11 Petitioner,

12 v.

13 WINE DIVE, LLC, a Florida limited liability
14 company

15 Registrant.

Cancellation No. 92058839

Registration No. 4,283,391

AMENDED PETITION FOR
CANCELLATION

16 TO THE COMMISSIONER FOR TRADEMARKS
17 TRADEMARK TRIAL AND APPEAL BOARD:

18 Le Reve Ventures, LLC, a limited liability company of the State of Texas (hereinafter
19 “Petitioner”), having a place of business at 362 Piney Point Road, Houston, TX 77024-6525,
20 believes that it is being damaged by the registration of the trademark shown in Registration
21 No. 4,283,391, in International Class 43, and hereby petitions to cancel the same. As grounds for
22 the cancellation, Petitioner alleges as follows.

23 1. On information and belief, Wine Dive, LLC is a Florida limited liability company
24 having a place of business at 319 Clemantis St., West Palm Beach, Florida 33401 (hereinafter
25 “Registrant”).

26 /////
27

1 2. Registrant is the owner of Registration No. 4,283,391 (the "Registration") for the
2 mark SNOOTY'S WINE DIVE (the "Mark") for use in connection with bar and restaurant
3 services in International Class 43.

4 3. The Registration issued on January 29, 2013, setting forth a date of first use of
5 January 1, 2012.

6 4. Continuously and without interruption since long prior to any date upon which
7 Registrant can rely, Petitioner has used the marks WINE DIVE and MAX'S WINE DIVE for
8 restaurant services.

9 5. Petitioner is the owner of U.S. Trademark Registration No. 3,309,972 for the
10 mark MAX'S WINE DIVE for restaurant services in International Class 43. Said registration
11 issued October 9, 2007, setting forth a date of first use of December 15, 2006. Registration
12 No. 3,309,972 is currently valid, subsisting, and incontestable.

13 6. Petitioner is the owner of U.S. Trademark Registration No. 4,551,687 for the
14 MAX'S WINE DIVE logo for restaurant and bar services in International Class 43. The
15 application was filed November 7, 2013, and sets forth a date of first use of December 15, 2006.

16 7. Petitioner filed U.S. Application Serial No. 85/164,124 for the WINE DIVE mark
17 for restaurant and bar services in International Class 43. The application was filed October 28,
18 2010, and sets forth a date of first use of December 15, 2006.

19 8. Petitioner has not authorized Registrant's use of the Mark, and Registrant is not
20 associated or affiliated with Petitioner. Petitioner does not endorse or sponsor Registrant or its
21 services.

22 9. The Mark so resembles Petitioner's MAX'S WINE DIVE and WINE DIVE marks
23 when used in association with the services claimed by the Registration as to be likely to cause
24 confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham
25 Act, 15 U.S.C. § 1052(d).

26 /////

1 10. Petitioner is being damaged by the Registration owned by Registrant insofar as the
2 registration is prima facie evidence of the validity of the Registration and Registrant's ownership
3 of and exclusive right to use the Mark for the services claimed by the Registration when, in fact,
4 Registrant is not entitled to such rights by virtue of Petitioner's prior and continuous use of the
5 marks WINE DIVE and MAX'S WINE DIVE for restaurant services, and by virtue of
6 Petitioner's Registrations for MAX'S WINE DIVE (No. 3,309,972) and the Max's Wine Dive
7 logo (No. 4,551,687) mark.

8 11. Petitioner was damaged by the Registration owned by Registrant because
9 Petitioner's U.S. Trademark Application, Serial No. 85/164,124, for the mark WINE DIVE for
10 restaurant and bar services was refused because of a likelihood of confusion with the Mark,
11 despite prior and continuous use of the WINE DIVE mark by Petitioner and despite Petitioner
12 owning Registration No. 3,309,972 for the mark MAX'S WINE DIVE for restaurant services. In
13 addition, the Registration is likely to continue to exclude Petitioner from registering the WINE
14 DIVE mark.

15 12. On information and belief, U.S. Trademark Registration No. 4,283,391 was
16 obtained by fraud. A trademark applicant commits fraud in procuring a registration when the
17 applicant makes a false, material representation with the intent to deceive the U.S. Patent and
18 Trademark Office ("USPTO"). *In re Bose Corp.*, 91 U.S.P.Q.2d 1938 (Fed. Cir. 2009).

19 13. On information and belief, in the Statement of Use filed in its U.S. Trademark
20 Application, Serial No. 85/136,746, a copy of which is attached hereto as Exhibit A (the
21 "Statement of Use"), Registrant made false, material representations with the intent to deceive
22 the USPTO when it stated that the applied-for mark was in use in commerce, when it was not,
23 and provided materially false and misleading photographs to the USPTO as specimens in
24 support of its application.

25 14. On information and belief, at the time of the filing of the Statement of Use,
26 Registrant was not using the Mark in commerce. Instead, Registrant was and is operating its
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1 restaurant under the mark and logo “The Wine Dive” depicted on Exhibit B (the “Wine Dive
2 Logo”), which does not include the word “Snooty’s”. On information and belief, Registrant has
3 never used, and does not currently use, the Mark in commerce.

4 15. On information and belief, Registrant submitted three photographs as specimens
5 to the USPTO to purportedly demonstrate Registrant’s use of the Mark in commerce. The first
6 specimen, a photograph of a wall in Registrant’s restaurant, as shown in Section 1 to Exhibit C
7 (the “First Specimen”), was materially misleading; the second specimen, a photograph of
8 Registrant’s menu, as shown in Section 1 to Exhibit D (the “Second Specimen”), was not
9 representative of Registrant’s use of the Mark in commerce; and the third specimen, a
10 photograph of a metal sign in Registrant’s restaurant, as shown in Section 1 to Exhibit
11 E (the “Third Specimen”), was doctored and not representative of the actual sign used in
12 Registrant’s restaurant before or after the date of the Application.

13 16. In the Application, Mr. Grice described the First Specimen as follows: “The first
14 specimen is photograph of wall inside the Snooty’s Wine Dive Bar and Restaurant depicting the
15 Snooty’s Wine Dive mark drawn in chalk on the wall.” However, as demonstrated by other
16 photographs of the same wall depicted in Section 2 to Exhibit C, which are believed to have been
17 taken before and after the date of the Application, the actual wall does not depict the Mark.
18 Instead, the wall bears the Wine Dive Logo with the phrase “Not So Snooty” directly above. The
19 photograph submitted as the First Specimen did not depict the Mark in Registrant’s restaurant,
20 but was instead strategically cropped to appear to depict the Mark. Therefore, the First Specimen
21 was materially misleading.

22 17. Because the photograph in the First Specimen was cropped to appear to depict the
23 Mark on the wall, when in fact the Mark was not used on the wall, Mr. Grice’s statement that the
24 first specimen depicts “the Snooty’s Wine Dive mark drawn in chalk on the wall” was false.

25 18. The careful and seemingly deliberate cropping of the photograph of the wall in the
26 First Specimen, and Mr. Grice’s statement that the photograph was a depiction of the Mark on
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1 Registrant's wall when it was not, supports the conclusion that Registrant submitted the First
2 Specimen with the intent to deceive the USPTO.

3 19. On information and belief, the Second Specimen was not indicative of
4 Registrant's actual use of the Mark in commerce. As demonstrated by the photographs set forth
5 in Section 2 to Exhibit D, showing the menu from December 2011 just before Registrant's
6 restaurant opened as well as the current dinner menu on Registrant's website, the Mark was not
7 used on either menu; instead, each such menu shows the words "The Wine Dive" without the
8 word "Snooty's". Mr. Grice described the Second Specimen as "a pdf depicting the Snooty's
9 Wine Dive Bar and Restaurant's Menu"; however, the images of the actual menu suggest that the
10 Second Specimen was not a depiction of Registrant's actual menu and not indicative of
11 Registrant's use of the Mark in commerce. Therefore, Mr. Grice's description with respect to the
12 Second Specimen was false.

13 20. Because Registrant submitted a menu to the USPTO that was not representative of
14 Registrant's use of the Mark in commerce, the evidence supports the conclusion that Registrant
15 submitted the Second Specimen with the intent to deceive the USPTO.

16 21. The Third Specimen shows a metal sign with the words "Wine Dive" in large cut-
17 out letters, with "Snooty's" depicted in small black letters immediately above. Mr. Grice
18 described the Third Specimen as follows: "The third specimen is photograph of the metal sign in
19 the Snooty's Wine Dive Bar and Restaurant depicting the Snooty's Wine Dive mark." However,
20 as demonstrated by other images of the metal sign set forth in Section 2 to Exhibit E, which are
21 believed to have been taken before and after the Application, the actual metal sign did not at the
22 time of the Application and does not currently include the black "Snooty's" lettering. Therefore,
23 the actual sign does not show the Mark, but instead the words "Wine Dive", without the word
24 "Snooty's."

25 22. The photograph of the metal sign that was submitted as the Third Specimen
26 appears to have been intentionally and temporarily doctored to depict the Mark. This
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1 manipulation of either the sign or the photograph of the sign indicates Registrant's intent to
2 deceive the USPTO regarding Registrant's use of the Mark in commerce. In addition, because
3 the actual sign in Registrant's restaurant did not at the time of the Application and does not
4 currently include the Mark, Mr. Grice's statement that the Third Specimen shows "the metal sign
5 in the Snooty's Wine Dive Bar and Restaurant depicting the Snooty's Wine Dive mark" was
6 false.

7 23. The evidence demonstrates that the specimens submitted by Registrant to support
8 the registration were fraudulent, and that the statements made by Mr. Grice in support of the
9 specimens were false. In addition, the strategic and deliberate actions taken by Registrant and/or
10 Mr. Grice to manipulate and/or physically doctor the specimens demonstrates and supports the
11 conclusion that the specimens were submitted with the intent to deceive the USPTO and to
12 induce the USPTO to register the Mark in reliance on false and materially misleading specimens.

13 24. The fraudulent specimens were also submitted with the intent to falsely exclude
14 third party trademark owners, such as Petitioner, from using and registering a mark the same as
15 or similar to the Mark in connection with the services claimed by the Registration.

16 25. The USPTO relied upon Registrant's fraudulent specimens and Mr. Grice's
17 fraudulent statements, and registered the Mark for restaurant services.

18 26. Petitioner was and is damaged by the Registration fraudulently obtained by
19 Registrant because the Mark so resembles Petitioner's MAX'S WINE DIVE mark and WINE
20 DIVE mark when used in association with the services claimed by the Registration as to be likely
21 to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the
22 Lanham Act, 15 U.S.C. § 1052(d).

23 27. Petitioner was damaged by the Registration fraudulently obtained by Registrant
24 because Petitioner's U.S. Trademark Application, Serial No. 85/164,124, for the mark WINE
25 DIVE for restaurant and bar services was refused because of a likelihood of confusion with the
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1 Mark, and the Registration will likely continue to prevent Petitioner from registering the WINE
2 DIVE mark in connection with the services claimed by the Registration.

3 28. Based upon the foregoing, registration of the Mark shown by Registration No.
4 4,283,391, registered January 29, 2013, is causing injury and damage to Petitioner.

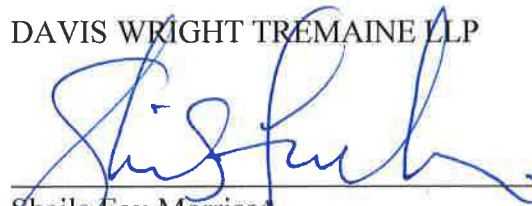
5 29. Petitioner has served a copy of this Petition upon Registrant consistent with the
6 requirements of 37 C.F.R. § 2.111 and 37 C.F.R. § 2.119 by emailing a copy of this Amended
7 Petition for Cancellation to counsel for Registrant (as agreed by the parties) as indicated by the
8 Certificate of Service affixed hereafter.

9 WHEREFORE, Petitioner respectfully requests that Registration No. 4,283,391 be
10 cancelled under Section 14 of the Lanham Act, 15 U.S.C. § 1064 and Section 2(d) of the Lanham
11 Act, 15 U.S.C. § 1052(d), and that this Cancellation be sustained.

12 DATED this 1st day of July, 2014.

13 Respectfully submitted,

14 DAVIS WRIGHT TREMAINE LLP

15 

16 Sheila Fox Morrison
17 1300 SW Fifth Avenue, Suite 2400
18 Portland, Oregon 97201
19 (503) 241-2300

20 sheilafoxmorrison@dwt.com

21 Of Attorneys for Petitioner
22
23
24
25
26
27

EXHIBIT A

Statement of Use of SNOOTY'S WINE DIVE

[See attached]

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85136746
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION	
MARK	SNOOTY'S WINE DIVE
OWNER SECTION	
NAME	Wine Dive, LLC
STREET	309 Clematis Street
CITY	West Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33401
COUNTRY	United States
PHONE	5618024474
FAX	5612081303
EMAIL	tgrice@timothygricelaw.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	043
CURRENT IDENTIFICATION	Bar and restaurant services; Restaurant; Restaurant and bar services; Restaurant and bar services, including restaurant carryout services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises; Wine bars
GOODS OR SERVICES	KEEP ALL LISTED

EXHIBIT A

FIRST USE ANYWHERE DATE	01/01/2012
FIRST USE IN COMMERCE DATE	01/01/2012
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT16\IMAGEOUT 16\851\367\85136746\xml3\SOU0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\851\367\85136746\xml3\SOU0004.JPG
ORIGINAL PDF FILE	SPN0-216199236173-001410842 . Wine Dive Menu.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\851\367\85136746\xml3\SOU0003.JPG
SPECIMEN DESCRIPTION	The first specimen is photograph of wall inside the Snooty's Wine Dive Bar and Restaurant depicting the Snooty's Wine Dive mark drawn in chalk on the wall. The second specimen is a pdf depicting the Snooty's Wine Dive Bar and Restaurant's menu. The third specimen is photograph of the metal sign in the Snooty's Wine Dive Bar and Restaurant depicting the Snooty's Wine Dive mark.
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	350
SIGNATURE SECTION	
	/Timothy L. Grice/
SIGNATORY'S NAME	Timothy L. Grice
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	11/06/2012
SIGNATORY'S PHONE NUMBER	(561) 802-4474
DECLARATION SIGNATURE	/Timothy L. Grice/
SIGNATORY'S NAME	Timothy L. Grice

SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	11/06/2012
SIGNATORY'S PHONE NUMBER	(561) 802-4474
FILING INFORMATION	
SUBMIT DATE	Tue Nov 06 00:36:51 EST 2012
TEAS STAMP	USPTO/PSE-216.199.236.173 -20121106003651463013-851 36746-490ef3f1a5be8778fd6 e3ca2c73b4d5edb8-CC-7978- 20121106001410842032

Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: SNOOTY'S WINE DIVE
SERIAL NUMBER: 85136746

The applicant, Wine Dive, LLC, having an address of
309 Clematis Street
West Palm Beach, Florida 33401
United States

is submitting the following allegation of use information:

For International Class 043:

Current identification: Bar and restaurant services; Restaurant; Restaurant and bar services; Restaurant and bar services, including restaurant carryout services; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises; Wine bars

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/01/2012, and first used in commerce at least as early as 01/01/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) The first specimen is photograph of wall inside the Snooty's Wine Dive Bar and Restaurant depicting the Snooty's Wine Dive mark drawn in chalk on the wall. The second specimen is a pdf depicting the Snooty's Wine Dive Bar and Restaurant's menu. The third specimen is photograph of the metal sign in the Snooty's Wine Dive Bar and Restaurant depicting the Snooty's Wine Dive mark..

JPG file(s):

[Specimen File1](#)

[Specimen File2](#)

Original PDF file:

[SPN0-216199236173-001410842_. Wine Dive Menu.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

A fee payment in the amount of \$100 will be

A fee payment in the amount of \$150 will be

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Timothy L. Grice/ Date Signed: 11/06/2012

Signatory's Name: Timothy L. Grice

Signatory's Position: Attorney of Record

Signatory's Phone: (561) 802-4474

RAM Sale Number: 7978

RAM Accounting Date: 11/06/2012

Serial Number: 85136746

Internet Transmission Date: Tue Nov 06 00:36:51 EST 2012

TEAS Stamp: USPTO/PSE-216.199.236.173-20121106003651

463013-85136746-490ef3f1a5be8778fd6e3ca2

c73b4d5edb8-CC-7978-20121106001410842032



SNOOTY'S WINE DIVE

FULL MENU SERVED 4PM - 10PM

GRILLED FLATBREADS

WALNUTS & BLUE CHEESE

MASCARPONE + ROASTED GRAPES + CARAMELIZED ONIONS

DUCK CONFIT

SMOKED GOUDA + GRILLED PEARS + ARUGULA + PEAR JAM

4 CHEESE & BLACK TRUFFLE

OREGANO + TOMATOES + PARMESAN + GRUYERE +
MOZZARELLA + ROMANO

ARTISAN CHEESES

PECAN & DATE PATE + TRUFFLE HONEY + FRESH FRUIT

CHOICE OF 3 - \$15 CHOICE OF 5 - \$24 CHOICE OF 7 - \$33

GRANA PADANO D (COW, ITALY)

AGED 20 MONTHS

CROTTIN MAITRE SEGUIN (GOAT, FRANCE)

MIMOLETTE (COW'S MILK, FRANCE)

FISCALINI (CHEDDAR, CALIFORNIA)

TOMME DE SAVOIE (COW, FRANCE)

PONT L'EVEQUE (COW, FRANCE)

UBRIACO DEL PIAVE (COW, ITALY)

CURED MEATS/ Pâté

BABY PICKLES, CIPOLINI ONIONS & WHOLE GRAIN MUSTARD

SMOKED BREAST OF DUCK

MAPLEWOOD SMOKED BREAST OF MUSCOVY DUCK

SERRANO HAM

DRY-CURED SPANISH HAM

SOPPRESATA

ITALIAN CURED DRY SALAMI

MORTADELLA

HEAT-CURED PORK SAUSAGE

BRESAOLA

DRY-CURED BEEF

Pâté

HOUSE MADE WITH PORT WINE JELLIES

CHORIZO

SPICY SPANISH SAUSAGE FLAVORED WITH PAPRIKA

GREENZ

BABY GREENS

CIPOLINI ONIONS + FRENCH FRIED BEANS + QUAIL EGGS +
CHAMPAGNE + MEYER LEMON

SUGAR BEETS

\$8

GOAT CHEESE + SPINACH + CANDIED PECANS +
ROASTED PEPPERS + PAPAYA DRESSING

BEET CARPACCIO

\$8

GOAT CHEESE + GUAVA + ARUGULA + YUCCA +
ONIONS + CRUSHED PEPPERCORNS

TASTE INZ

SCALLOPS

\$16

SMOKED PORK BELLIES + PURPLE POTATOES + SWEET PEA
PUREE

MAINE LOBSTER & ASPARAGUS BISQUE

\$12

MAINE LOBSTER + ASPARAGUS + TARRAGON + TOMATOES +
CREAM

FRENCH GREEN BEANS

\$8

LEEEKS + PROSCIUTTO

RISOTTO

\$8

WILD MUSHROOMS + RICOTTA + ROMANO + ROASTED PEPPERS

TRUFFLE MAC N CHEESE

\$14

BLACK TRUFFLES + GRUYERE CHEESE + TRUFFLE CRUMBS

LOBSTER MAC N CHEESE

\$17

MAINE LOBSTER + IRISH CHEDDAR CHEESE + CROISSANT CRUMBS

TUNA TACOS

\$13

CILANTRO SOUR CREAM + SPANISH RICE + PICO DE GALLO +
PINEAPPLE + LIME

BISON SLIDERS

\$14

ARUGULA + SMOKED GOUDA + ITALIAN BACON + ROMA TOMATO
HERB MAYO

SHRIMP AND GRITS

\$13

TOMATOES + GUMBO + GARLIC + TOBASCO + LEMON

SMOKED MAC N CHEESE

SMOKED GOUDA + PORK BELLIES + SMOKED JALAPENO DUST +
GREEN PEA CREAM

SKILLET

\$12

BRIE + MARSALA WINE + MUSHROOMS + PRETZEL BREAD

MUSSELS

\$13

TASSO HAM + WHITE WINE + TOMATOES + SCALLIONS + BLACK
GARLIC

FIGS

\$10

APPLE WOOD BACON + CAMEMBERT CHEESE + FIG HONEY

BISON SLIDERS "BLT"

\$14

BRIE + ITALIAN BACON + ROMA TOMATO + ARUGULA

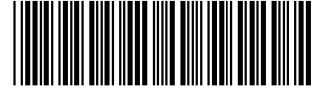
SNOOTY'S

WINE

DIVE

FEE RECORD SHEET

Serial Number: 85136746



RAM Sale Number: 7978

Total Fees: \$350

RAM Accounting Date: 20121106

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
*** UNKNOWN ***	7005	20121106			\$100
Extension Request for SOU	7004	20121106	\$150	1	\$150
Statement of Use (SOU)	7003	20121106	\$100	1	\$100

Transaction Date: 20121106



EXHIBIT B
REGISTRANT'S LOGO



EXHIBIT C
REGISTRANT'S WALL

Section 1

Specimen 1: The Wall



Section 2

Facebook Photo
(uploaded February 15, 2012)



This photo shows that the word “Snooty” was not included in the original chalkboard design.

Facebook Photo
(uploaded March 31, 2012)



This photo shows the stand-alone WINE DIVE mark, with the tag-line “Not So Snooty” above it.

Facebook Photo
(uploaded January 15, 2013)



This photo again shows the stand-alone WINE DIVE mark, with the tag-line “Not So Snooty” above it.

EXHIBIT D
REGISTRANT'S MENU

Section 1

Specimen 2: The Menu

SNOOTY'S WINE DIVE	
FULL MENU SERVED 4PM – 10PM	
<u>GRILLED FLATBREADS</u>	
WALNUTS & BLUE CHEESE	
MASCARPONE + ROASTED GRAPES + CARAMELIZED ONIONS	
SUGAR BEETS	\$8
GOAT CHEESE + SPINACH + CANDIED PECANS + ROASTED PEPPERS + PAPAYA DRESSING	
BEET CARPACCIO	\$8
GOAT CHEESE + GUAVA + ARUGULA + YUCCA + ONIONS + CRUSHED PEPPERCORNS	•
<u>TASTE INZ</u>	
SCALLOPS	

Section 2

Facebook photo
(December 20, 2011)



This photo shows the menu prior to the restaurant's opening, in December 2011. Although the left corner is cut off by a menu-holder, the placement of the words "The Wine Dive" indicates the word "Snooty's" was not included before the words "The Wine Dive."

Dinner Menu Snapshot
(February 10, 2014)

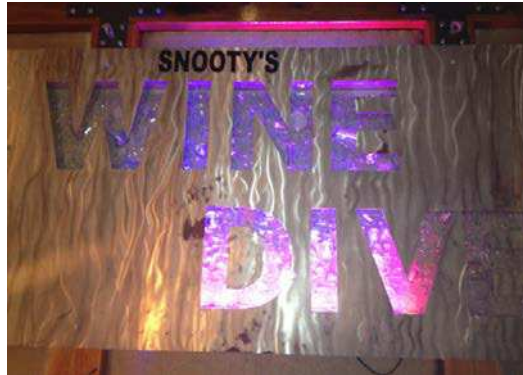
THE WINE DIVE AMERICAN TAPAS	
FULL MENU SERVED 4PM – 10:30PM	
<u>GRILLED FLATBREADZ</u>	
MY MARGHERITA	11
MOZZARELLA + SAN MARZANO + ROMA + SPINACH + BASIL + CAPERS	
4 CHEESE & BLACK TRUFFLE	12
OREGANO + TOMATOES + PARMESAN + GRUYERE +	

This photo shows the dinner menu as of March 7, 2014, which does not include the word "Snooty's".

EXHIBIT E
REGISTRANT’S METAL SIGN

Section 1

Specimen 3: The Metal Sign



Section 2

Facebook photo
(uploaded February 15, 2012)



This photo shows the metal sign on or around Valentine’s Day, 2012.

Instagram photo
(uploaded approx. November 2013)



This photo of the metal sign does not include the word “Snooty’s” and was uploaded to Instagram in late November 2013.

Instagram photo
(uploaded early January 2014)

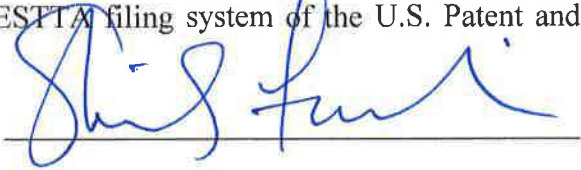


This photo of the metal sign does not include the word “Snooty’s” and was uploaded to Instagram in early January 2014.

1 **CERTIFICATE OF FILING**

2 I hereby certify that this AMENDED PETITION FOR CANCELLATION of U.S.
3 Trademark Registration No. 4,283,391 for the mark SNOOTY'S WINE DIVE is being filed with
4 the Trademark Trial and Appeal Board using the ESTIA filing system of the U.S. Patent and
Trademark Office on the below date.

5 Date: July 1, 2014



6 **CERTIFICATE OF SERVICE**

7
8 I hereby certify that this AMENDED PETITION FOR CANCELLATION of U.S.
9 Trademark Registration No. 4,283,391 for the mark SNOOTY'S WINE DIVE is being duly
served upon the Applicant's counsel by emailing copies to:

10 Carl J. Spagnuolo
11 McHale & Slavin, P.A.
12 2855 PGA Boulevard
Palm Beach Gardens, Florida 33410

13 spagnuolo@mchaleslavin.com

14
15 Date: July 1, 2014

